

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 542
97TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 25, 2013, with recommendation that the Senate Committee Substitute do pass.

1170S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, and 413.225, RSMo, and to enact in lieu thereof eight new sections relating to agriculture.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, and 413.225, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 64.196, 178.550, 196.311, 262.900, 267.655, 323.100, 348.521, and 413.225, to read as follows:

64.196. 1. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. **No county building ordinance so adopted shall conflict with liquefied petroleum gas installations governed by section 323.020.**

178.550. [The president of the state board of education shall annually appoint a committee of five members to be known as the "State Advisory Committee for Vocational Education". The state advisory committee shall consist of one person of experience in agriculture; one employer; one representative of labor; one person of experience in home economics; one person of experience in commerce. The state commissioner of education is ex officio a member and the chairman of the advisory committee. The state board of education shall formulate general principles and policies for the administration of sections 178.420 to 178.580, which, when they have been approved by the state advisory committee, shall be put into effect. Joint conferences between the state board of education

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 and advisory committee shall be held at least four times each year. All members
12 of the state advisory committee shall be reimbursed for their actual expenses in
13 attending the conferences.] **1. This section shall be known and may be
14 cited as the career and technical education student protection
15 act. There is hereby established the "Career and Technical Education
16 Advisory Council" within the department of elementary and secondary
17 education.**

18 **2. The advisory council shall be composed of eleven members
19 who shall be Missouri residents, appointed by the governor with the
20 advice and consent of the senate:**

21 **(1) A director or administrator of a career and technical
22 education center;**

23 **(2) An individual from the business community with a
24 background in commerce;**

25 **(3) A representative from Linn State Technical College;**

26 **(4) Three current or retired career and technical education
27 teachers who also serve or served as an advisor to any of the
28 nationally-recognized career and technical education student
29 organizations of:**

30 **(a) DECA;**

31 **(b) Future Business Leaders of America (FBLA);**

32 **(c) FFA;**

33 **(d) Family, Career and Community Leaders of America (FCCLA);**

34 **(e) Health Occupations Students of America (HOSA);**

35 **(f) SkillsUSA; or**

36 **(g) Technology Student Association (TSA);**

37 **(5) A representative from a business organization, association of
38 businesses, or a business coalition;**

39 **(6) A representative from a Missouri community college;**

40 **(7) A representative from Southeast Missouri State University or
41 the University of Central Missouri;**

42 **(8) An individual participating in an apprenticeship recognized
43 by the department of labor and industrial relations or approved by the
44 United States Department of Labor's Office of Apprenticeship;**

45 **(9) A school administrator or school superintendent of a school
46 that offers career and technical education.**

47 **3. Members shall serve a term of five years except for the initial**

48 appointments, which shall be for the following lengths:

- 49 (1) One member shall be appointed for a term of one year;
- 50 (2) Two members shall be appointed for a term of two years;
- 51 (3) Two members shall be appointed for a term of three years;
- 52 (4) Three members shall be appointed for a term of four years;
- 53 (5) Three members shall be appointed for a term of five years.

54 4. The advisory council shall have three nonvoting ex-officio
55 members:

56 (1) A director of guidance and counseling services at the
57 department of elementary and secondary education, or a similar
58 position if such position ceases to exist;

59 (2) The director of the division of workforce development; and

60 (3) A member of the coordinating board for higher education, as
61 selected by the coordinating board.

62 5. The assistant commissioner for the office of college and career
63 readiness of the department of elementary and secondary education
64 shall provide staff assistance to the advisory council.

65 6. The advisory council shall meet at least four times
66 annually. The advisory council may make all rules it deems necessary
67 to enable it to conduct its meetings, elect its officers, and set the terms
68 and duties of its officers. The advisory council shall elect from among
69 its members a chairperson, vice chairperson, a secretary-reporter, and
70 such other officers as it deems necessary. Members of the advisory
71 council shall serve without compensation but may be reimbursed for
72 actual expenses necessary to the performance of their official duties for
73 the advisory council.

74 7. Any business to come before the advisory council shall be
75 available on the advisory council's internet website at least seven
76 business days prior to the start of each meeting. All records of any
77 decisions, votes, exhibits, or outcomes shall be available on the
78 advisory council's internet website within forty-eight hours following
79 the conclusion of every meeting. Any materials prepared for the
80 members shall be delivered to the members at least five days before the
81 meeting, and to the extent such materials are public records as defined
82 in section 610.010 and are not permitted to be closed under section
83 610.021, shall be made available on the advisory council's internet
84 website at least five business days in advance of the meeting.

85 **8. The advisory council shall make an annual written report to**
86 **the state board of education and the commissioner of education**
87 **regarding the development, implementation, and administration of the**
88 **state budget for career and technical education.**

89 **9. The advisory council shall annually submit written**
90 **recommendations to the state board of education and the commissioner**
91 **of education regarding the oversight and procedures for the handling**
92 **of funds for student career and technical education organizations.**

93 **10. The advisory council shall:**

94 **(1) Develop a comprehensive statewide short- and long-range**
95 **strategic plan for career and technical education;**

96 **(2) Identify service gaps and provide advice on methods to close**
97 **such gaps as they relate to youth and adult employees, workforce**
98 **development, and employers on training needs;**

99 **(3) Confer with public and private entities for the purpose of**
100 **promoting and improving career and technical education;**

101 **(4) Identify legislative recommendations to improve career and**
102 **technical education;**

103 **(5) Promote coordination of existing career and technical**
104 **education programs;**

105 **(6) Adopt, alter, or repeal by its own bylaws, rules, and**
106 **regulations governing the manner in which its business may be**
107 **transacted.**

108 **11. For purposes of this section, the department of elementary**
109 **and secondary education shall provide such documentation and**
110 **information as to allow the advisory council to be effective.**

111 **12. For purposes of this section, "advisory council" shall mean the**
112 **career and technical education advisory council.**

 196.311. Unless otherwise indicated by the context, when used in sections
2 196.311 to 196.361:

3 **(1) "Consumer" means any person who purchases eggs for his or her own**
4 **family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or**
5 **other institution or concern which purchases eggs for serving to guests or patrons**
6 **thereof, or for its own use in cooking, baking, or manufacturing their products;**

7 **(2) "Container" means any box, case, basket, carton, sack, bag, or other**
8 **receptacle. "Subcontainer" means any container when being used within another**
9 **container;**

10 (3) "Dealer" means any person who purchases eggs from the producers
11 thereof, or another dealer, for the purpose of selling such eggs to another dealer,
12 a processor, or retailer;

13 (4) "Denatured" means eggs (a) made unfit for human food by treatment
14 or the addition of a foreign substance, or (b) with one-half or more of the shell's
15 surface covered by a permanent black, dark purple or dark blue dye;

16 (5) "Director" means the director of the department of agriculture;

17 (6) "Eggs" means [eggs in the shell from] **the shell eggs of a**
18 **domesticated chicken[s], turkey, duck, goose, or guinea that are intended**
19 **for human consumption;**

20 (7) "Inedible eggs" means eggs which are defined as such in the rules and
21 regulations of the director adopted under sections 196.311 to 196.361, which
22 definition shall conform to the specifications adopted therefor by the United
23 States Department of Agriculture;

24 (8) "Person" means and includes any individual, firm, partnership,
25 exchange, association, trustee, receiver, corporation or any other business
26 organization, and any member, officer or employee thereof;

27 (9) "Processor" means any person engaged in breaking eggs or
28 manufacturing or processing egg liquids, whole egg meats, yolks, whites, or any
29 mixture of yolks and whites, with or without the addition of other ingredients,
30 whether chilled, frozen, condensed, concentrated, dried, powdered or desiccated;

31 (10) "Retailer" means any person who sells eggs to a consumer;

32 (11) "Sell" means offer for sale, expose for sale, have in possession for sale,
33 exchange, barter, or trade.

262.900. 1. As used in this section, the following terms mean:

2 (1) "Agricultural products", an agricultural, horticultural,
3 viticultural, or vegetable product, growing of grapes that will be
4 processed into wine, bees, honey, fish or other aquacultural product,
5 planting seed, livestock, a livestock product, a forestry product, poultry
6 or a poultry product, either in its natural or processed state, that has
7 been produced, processed, or otherwise had value added to it in this
8 state;

9 (2) "Blighted area", that portion of the city within which the
10 legislative authority of such city determines that by reason of age,
11 obsolescence, inadequate, or outmoded design or physical deterioration
12 have become economic and social liabilities, and that such conditions

13 are conducive to ill health, transmission of disease, crime or inability
14 to pay reasonable taxes;

15 (3) "Department", the department of agriculture;

16 (4) "Domesticated animal", cattle, calves, sheep, swine, ratite
17 birds including but not limited to ostrich and emu, llamas, alpaca,
18 buffalo, elk documented as obtained from a legal source and not from
19 the wild, goats, or horses, other equines, or rabbits raised in
20 confinement for human consumption;

21 (5) "Grower UAZ", a type of UAZ:

22 (a) That can either grow produce, raise livestock, or produce
23 other value added agricultural products;

24 (b) That does not exceed fifty laying hens, six hundred fifty
25 broiler chickens, or thirty domesticated animals;

26 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including
27 but not limited to ostrich and emu, aquatic products as defined in
28 section 277.024, llamas, alpaca, buffalo, elk documented as obtained
29 from a legal source and not from the wild, goats, or horses, other
30 equines, or rabbits raised in confinement for human consumption;

31 (7) "Locally grown", a product that was grown or raised in the
32 same county or city not within a county in which the UAZ is located or
33 in an adjoining county or city not within a county. For a product
34 raised or sold in a city not within a county, locally grown also includes
35 an adjoining county with a charter form of government with more than
36 nine hundred fifty thousand inhabitants and those adjoining said
37 county;

38 (8) "Processing UAZ", a type of UAZ:

39 (a) That processes livestock or poultry for human consumption;

40 (b) That meets federal and state processing laws and standards;

41 (c) Is a qualifying small business approved by the department;

42 (9) "Meat", any edible portion of livestock or poultry carcass or
43 part thereof;

44 (10) "Meat product", anything containing meat intended for or
45 capable of use for human consumption, which is derived, in whole or
46 in part, from livestock or poultry;

47 (11) "Poultry", any domesticated bird intended for human
48 consumption;

49 (12) "Qualifying small business", those enterprises which are

50 established within an Urban Agricultural Zone subsequent to its
51 creation, and which meet the definition established for the Small
52 Business Administration and set forth in Section 121.301 of Part 121 of
53 Title 13 of the Code of Federal Regulations;

54 (13) "Value added agricultural products", any product or
55 products that are the result of:

56 (a) Using an agricultural product grown in this state to produce
57 a meat or dairy product in this state;

58 (b) A change in the physical state or form of the original
59 agricultural product;

60 (c) An agricultural product grown in this state which has had its
61 value enhanced by special production methods such as organically
62 grown products; or

63 (d) A physical segregation of a commodity or agricultural
64 product grown in this state that enhances its value such as identity
65 preserved marketing systems;

66 (14) "Urban agricultural zone" or "UAZ", a zone within a
67 metropolitan statistical area as defined by the United States Office of
68 Budget and Management that has one or more of the following entities
69 that is a qualifying small businesses, and approved by the department,
70 as follows:

71 (a) Any organization or person who grows produce or other
72 agricultural products;

73 (b) Any organization or person that raises livestock or poultry;

74 (c) Any organization or person who processes livestock or
75 poultry;

76 (d) Any organization that sells at a minimum seventy-five
77 percent locally grown food;

78 (15) "Vending UAZ", a type of UAZ:

79 (a) That sells produce, meat, or value added locally grown
80 agricultural goods;

81 (b) That is able to accept food stamps under the provisions of the
82 Supplemental Nutrition Assistance Program as a form of payment; and

83 (c) Is a qualifying small business that is approved by the
84 department for an UAZ vendor license.

85 2. (1) A person or organization shall submit to any incorporated
86 municipality an application to develop an UAZ on a blighted area of

87 land. Such application shall demonstrate or identify on the application:

88 (a) If the person or organization is a grower UAZ, processing
89 UAZ, vending UAZ, or a combination of all three types of UAZs provided
90 in this paragraph, in which case the person or organization shall meet
91 the requirements of each type of UAZ in order to qualify;

92 (b) The number of jobs to be created;

93 (c) The types of products to be produced; and

94 (d) If applying for a vending UAZ, the ability to accept food
95 stamps under the provisions of the Supplemental Nutrition Assistance
96 Program if selling products to consumers.

97 (2) A municipality shall review and modify the application as
98 necessary before either approving or denying the request to establish
99 an UAZ.

100 (3) Approval of the UAZ by such municipality shall be reviewed
101 five and ten years after the development of the UAZ. After twenty-five
102 years, the UAZ shall dissolve. If the municipality finds during its
103 review that the UAZ is not meeting the requirements set out in this
104 section, the municipality may dissolve the UAZ.

105 3. The governing authority of any municipality planning to seek
106 designation of an urban agricultural zone shall establish an urban
107 agricultural zone board. The number of members on the board shall be
108 seven. One member of the board shall be appointed by the school
109 district or districts located within the area proposed for designation as
110 an enhanced enterprise zone. Two members of the board shall be
111 appointed by other affected taxing districts. The remaining four
112 members shall be chosen by the chief elected official of the
113 municipality. The four members chosen by the chief elected officer of
114 the municipality shall each be residents of the county or city not within
115 a county in which the UAZ is to be located, and at least one of such four
116 members shall have experience in or represent organizations associated
117 with sustainable agriculture, urban farming, community gardening, or
118 any of the activities or products authorized by this section for UAZs.

119 4. The school district member and the two affected taxing
120 district members shall each have initial terms of five years. Of the four
121 members appointed by the chief elected official, two shall have initial
122 terms of four years, and two shall have initial terms of three
123 years. Thereafter, members shall serve terms of five years. Each

124 commissioner shall hold office until a successor has been
125 appointed. All vacancies shall be filled in the same manner as the
126 original appointment. For inefficiency or neglect of duty or misconduct
127 in office, a member of the board may be removed by the applicable
128 appointing authority.

129 5. A majority of the members shall constitute a quorum of such
130 board for the purpose of conducting business and exercising the powers
131 of the board and for all other purposes. Action may be taken by the
132 board upon a vote of a majority of the members present.

133 6. The members of the board annually shall elect a chair from
134 among the members.

135 7. The role of the board shall be to conduct the activities
136 necessary to advise the governing authority on the designation of an
137 urban agricultural zone and any other advisory duties as determined
138 by the governing authority. The role of the board after the designation
139 of an urban agricultural zone shall be review and assessment of zone
140 activities.

141 8. Prior to the adoption of an ordinance proposing the
142 designation of an urban agricultural zone, the urban agricultural board
143 shall fix a time and place for a public hearing and notify each taxing
144 district located wholly or partially within the boundaries of the
145 proposed urban agricultural zone. The board shall send, by certified
146 mail, a notice of such hearing to all taxing districts and political
147 subdivisions in the area to be affected and shall publish notice of such
148 hearing in a newspaper of general circulation in the area to be affected
149 by the designation at least twenty days prior to the hearing but not
150 more than thirty days prior to the hearing. Such notice shall state the
151 time, location, date, and purpose of the hearing. At the public hearing
152 any interested person or affected taxing district may file with the
153 board written objections to, or comments on, and may be heard orally
154 in respect to, any issues embodied in the notice. The board shall hear
155 and consider all protests, objections, comments, and other evidence
156 presented at the hearing. The hearing may be continued to another
157 date without further notice other than a motion to be entered upon the
158 minutes fixing the time and place of the subsequent hearing.

159 9. Following the conclusion of the public hearing required under
160 subsection 8 of this section, the governing authority of the municipality

161 may adopt an ordinance designating an urban agricultural zone.

162 10. The real property of the UAZ shall not be subject to
163 assessment or payment of ad valorem taxes on real property imposed
164 by the cities affected by this section, or by the state or any political
165 subdivision thereof, for a period of up to twenty-five years as specified
166 by ordinance under subsection 9 of this section, except to such extent
167 and in such amount as may be imposed upon such real property during
168 such period, as was determined by the assessor of the county in which
169 such real property is located, or, if not located within a county, then by
170 the assessor of such city, in an amount not greater than the amount of
171 taxes due and payable thereon during the calendar year preceding the
172 calendar year during which the urban agricultural zone was
173 designated. The amounts of such tax assessments shall not be increased
174 during such period so long as the real property is used in furtherance
175 of the activities provided under the provisions of subdivision (13) of
176 subsection 1 of this section. At the conclusion of the period of
177 abatement provided by the ordinance, the property shall then be
178 reassessed. If only a portion of real property is used as an UAZ, then
179 only that portion of real property shall be exempt from assessment or
180 payment of ad valorem taxes on such property, as provided by this
181 section.

182 11. If the water services for the UAZ are provided by the
183 municipality, the municipality may authorize a grower UAZ to pay
184 wholesale water rates. If available, for the cost of water consumed on
185 the UAZ and pay fifty percent of the standard cost to hook onto the
186 water source.

187 12. (1) Any local sales tax revenues received from the sale of
188 agricultural products sold in the UAZ shall be deposited in the urban
189 agricultural zone fund established in subdivision (2) of this subsection.
190 An amount equal to one percent shall be retained by the director of
191 revenue for deposit in the general revenue fund to offset the costs of
192 collection.

193 (2) There is hereby created in the state treasury the "Urban
194 Agricultural Zone Fund", which shall consist of money collected under
195 subdivision (1) of this subsection. The state treasurer shall be
196 custodian of the fund. In accordance with sections 30.170 and 30.180,
197 the state treasurer may approve disbursements. The fund shall be a

198 dedicated fund and, upon appropriation, shall be used for the purposes
199 authorized by this section. Notwithstanding the provisions of section
200 33.080 to the contrary, any moneys remaining in the fund at the end of
201 the biennium shall not revert to the credit of the general revenue
202 fund. The state treasurer shall invest moneys in the fund in the same
203 manner as other funds are invested. Any interest and moneys earned
204 on such investments shall be credited to the fund. School districts may
205 apply to the department for money in the fund to be used for the
206 development of curriculum on or the implementation of urban farming
207 practices under the guidance of the University of Missouri extension
208 service and a certified vocational agricultural instructor. The funds
209 are to be distributed on a competitive basis within the school district
210 or districts in which the UAZ is located pursuant to rules to be
211 promulgated by the department, with special consideration given to the
212 relative number of students eligible for free and reduced-price lunches
213 attending the schools within such district or districts.

214 13. Any rule or portion of a rule, as that term is defined in
215 section 536.010 that is created under the authority delegated in this
216 section shall become effective only if it complies with and is subject to
217 all of the provisions of chapter 536, and, if applicable, section
218 536.028. This section and chapter 536 are nonseverable and if any of
219 the powers vested with the general assembly pursuant to chapter 536,
220 to review, to delay the effective date, or to disapprove and annul a rule
221 are subsequently held unconstitutional, then the grant of rulemaking
222 authority and any rule proposed or adopted after August 28, 2013, shall
223 be invalid and void.

267.655. In addition to the remedies provided for in sections 267.560 to
2 267.660 by law, the following civil penalties may be imposed:

3 (1) If the director determines, after inquiry and opportunity for
4 a hearing, that any individual is in violation of any provision of
5 sections 267.560 to 267.660, or any regulations issued thereunder, the
6 director shall have the authority to assess a civil penalty of not more
7 than one thousand dollars per incident. In the event that a person
8 penalized or ordered to pay restitution under this section fails to pay
9 the penalty or restitution, the director may apply to the circuit court
10 of Cole County for, and the court is authorized to enter, an order
11 enforcing the assessed penalty or restitution;

12 (2) The prosecuting attorney of any county in which a violation of any
13 provisions of sections 267.560 to 267.660 occurs or the attorney general of the
14 state, is hereby authorized to apply to any court of competent jurisdiction for, and
15 such court shall have jurisdiction upon hearing and for cause shown to grant a
16 temporary or permanent injunction to restrain any person from violating any
17 provisions of sections 267.560 to 267.660.

 323.100. 1. The director of the department of agriculture shall annually
2 inspect and test all liquid meters used for the measurement and retail sale of
3 liquefied petroleum gas and shall condemn all meters which are found to be
4 inaccurate. All meters shall meet the tolerances and specifications of the
5 National Institute of Standards and Technology Handbook 44, 1994 edition and
6 supplements thereto. It is unlawful to use a meter for retail measurement and
7 sale which has been condemned. All condemned meters shall be conspicuously
8 marked "inaccurate", and the mark shall not be removed or defaced except upon
9 authorization of the director of the department of agriculture or his authorized
10 representative. It is the duty of each person owning or in possession of a meter
11 to pay to the director of the department of agriculture at the time of each test a
12 testing fee of ten dollars[, except that the testing fee herein provided for shall not
13 be applied more than once in a calendar year to each meter tested]. **On January**
14 **1, 2014, the testing fee shall be twenty-five dollars. On January 1, 2015,**
15 **the testing fee shall be set at fifty dollars. On January 1, 2016, and**
16 **annually thereafter, the director shall ascertain the total expenses for**
17 **administering this section and shall set the testing fee at a rate to**
18 **cover the expenses for the ensuing year but not to exceed seventy-five**
19 **dollars.**

20 2. **On the first day of October 2014, and each year thereafter, the**
21 **director of the department of agriculture shall submit a report to the**
22 **general assembly that states the current testing fee, the expenses for**
23 **administering this section for the previous calendar year, any proposed**
24 **change to the testing fee, and estimated expenses for administering this**
25 **section during the ensuing year. The proposed change to the testing**
26 **fee shall not yield revenue greater than the total cost of administering**
27 **this section during the ensuing year.**

28 3. **Beginning August 28, 2013, and each year thereafter, the**
29 **director of the department of agriculture shall publish the testing fee**
30 **schedule on the departmental website. The website shall be updated**

31 **within thirty days of a change in the testing fee schedule set forth in**
32 **this section.**

348.521. 1. The authority may issue certificates of guaranty covering a
2 first loss guarantee up to but not more than fifty percent of the loan on a
3 declining principal basis for loans to individuals executing a note or other
4 evidence of a loan made for livestock feed and crop input, but not to exceed the
5 amount of [forty] **one hundred** thousand dollars for any one individual and to
6 pay from the livestock feed and crop input loan guarantee fund to an eligible
7 lender up to fifty percent of the amount on a declining principal basis of any loss
8 on any guaranteed loan made under the provisions of sections 348.515 to 348.533,
9 in the event of default on the loan. Upon payment of the loan, the authority shall
10 be subrogated to all the rights of the eligible lender.

11 2. As used in sections 348.515 to 348.533, the term "eligible lender" means
12 those entities defined as lenders under subdivision (8) of section 348.015.

13 3. The authority shall charge for each guaranteed loan a one-time
14 participation fee of fifty dollars which shall be collected by the lender at the time
15 of closing and paid to the authority. In addition, the authority may charge a
16 special loan guarantee fee of up to one percent per annum of the outstanding
17 principal which shall be collected from the borrower by the lender and paid to the
18 authority. Amounts so collected shall be deposited in the livestock feed and crop
19 input loan program fund and used, upon appropriation, to pay the costs of
20 administering the program.

21 4. All moneys paid to satisfy a defaulted guaranteed loan shall only be
22 paid out of the livestock feed and crop input loan guarantee fund established by
23 sections 348.515 to 348.533.

24 5. The total outstanding guaranteed loans shall at no time exceed an
25 amount which, according to sound actuarial judgment, would allow immediate
26 redemption of twenty percent of the outstanding loans guaranteed by the fund at
27 any one time.

413.225. 1. There is established a fee for registration, inspection and
2 calibration services performed by the division of weights and measures. The fees
3 are due at the time the service is rendered and shall be paid to the director by
4 the person receiving the service. The director shall collect fees according to the
5 following schedule and shall deposit them with the state treasurer into [general
6 revenue for the use of the state of Missouri] **the agriculture protection fund**
7 **as set forth in section 261.200:**

8 (1) From August 28, [1994] **2013**, until the next January first, laboratory
9 fees for metrology calibrations shall be at the rate of [twenty-five] **sixty** dollars
10 per hour for tolerance testing [and thirty-five dollars per hour for] **or** precision
11 calibration. Time periods over one hour shall be computed to the nearest **one**
12 **quarter** hour. On the first day of January, [1995] **2014**, and each year
13 thereafter, the director of agriculture shall ascertain the total receipts and
14 expenses for the metrology calibrations during the preceding year and shall fix
15 a fee schedule for the ensuing year at a rate per hour [which shall not exceed
16 sixty dollars per hour for either method but shall not be less than twenty-five
17 dollars per hour for tolerance testing and thirty-five dollars per hour for precision
18 calibration,] as will yield revenue not more than the total cost of operating the
19 metrology laboratory during the ensuing year, **but not to exceed one hundred**
20 **and twenty-five dollars;**

21 (2) [From August 28, 1994, until the next January first,] All [scale]
22 **device** test fees [shall be] charged [as follows] **shall include, but not be**
23 **limited to, the following devices:**

24 (a) Small scales [shall be five dollars for each counter scale, ten dollars
25 for platform scales up to one thousand-pound capacity, and twenty dollars for
26 each platform scale over one thousand-pound capacity];

27 (b) Vehicle scales [shall be fifty dollars each for the initial test and
28 seventy-five dollars for each subsequent test within the same calendar year];

29 (c) Livestock scales [shall be seventy-five dollars each for the initial test,
30 and one hundred dollars for each subsequent test within the same calendar year];

31 (d) Hopper scales [with a capacity of one thousand pounds or less shall
32 be ten dollars each; for each hopper scale with a capacity of more than one
33 thousand pounds up to and including two thousand pounds, the fee shall be
34 twenty dollars; for each hopper scale with a capacity of more than two thousand
35 pounds up to and including ten thousand pounds, the fee shall be fifty dollars;
36 and for those hopper scales with a capacity of more than ten thousand pounds,
37 the test fee shall be seventy-five dollars each];

38 (e) Railroad scales [shall be fifty dollars each];

39 (f) Monorail scales [shall be twenty-five dollars each for the initial test
40 and fifty dollars for each subsequent test in the same calendar year];

41 (g) [Participation in on-site field evaluations of devices for National Type
42 Evaluation Program certification and all tests of] In-motion scales including but
43 not limited to vehicle, railroad and belt conveyor scales [will be charged at the

44 rate of thirty dollars per hour, plus mileage from the inspector's official domicile
45 to and from the inspection site. The time shall begin when the state inspector
46 performing the inspection arrives at the site to be inspected and shall end when
47 the final report is signed by the owner/operator and the inspector departs];

48 [(3) From August 28, 1994, until the next January first, certification of]

49 (h) Taximeters [shall be five dollars per meter];

50 (i) Timing devices[, five dollars per device];

51 (j) Fabric-measuring devices[,] ;

52 (k) Wire- and cordage-measuring devices[, five dollars per device];

53 (l) Milk for quantity determination[, twenty-five dollars per plant
54 inspected]; and

55 [(4) From August 28, 1994, until the next January first, certification of]

56 (m) Vehicle tank meters [shall be twenty-five dollars each for the initial
57 test and fifty dollars for each subsequent test in the same calendar year];

58 (3) Devices that require participation in on-site field evaluations
59 for National Type Evaluation Program Certification and all tests of in-
60 motion scales shall be charged a fee, plus mileage from the inspector's
61 official domicile to and from the inspection site. The time shall begin
62 when the state inspector performing the inspection arrives at the site
63 to be inspected and shall end when the final report is signed by the
64 owner/operator and the inspector departs;

65 [(5)] (4) Every person shall register each location of such person's place
66 of business where devices or instruments are used to ascertain the moisture
67 content of grains and seeds offered for sale, processing or storage in this state
68 with the director and shall pay a registration fee [of ten dollars] for each location
69 so registered and a fee [of five dollars] for each additional device or instrument
70 at such location. Thereafter, by January thirty-first of each year, each person
71 who is required to register pursuant to this subdivision shall pay an annual fee
72 [of ten dollars] for each location so registered and an additional [five dollars] fee
73 for each additional machine at each location. The fee on newly purchased devices
74 shall be paid within thirty days after the date of purchase. Application for
75 registration of a place of business shall be made on forms provided by the director
76 and shall require information concerning the make, model and serial number of
77 the device and such other information as the director shall deem
78 necessary. Provided, however, this subsection shall not apply to moisture-
79 measuring devices used exclusively for the purpose of obtaining information

80 necessary to manufacturing processes involving plant products. In addition to
81 fees required by this subdivision, a fee [of ten dollars] shall be charged for each
82 device subject to retest.

83 2. On the first day of January, 1995, and each year thereafter, the director
84 of agriculture shall ascertain the total receipts and expenses for the testing of
85 weighing and measuring devices referred to in subdivisions (2), (3), **and** (4) [and
86 (5)] of subsection 1 of this section and shall fix the fees or rate per hour for such
87 weighing and measuring devices to derive revenue not more than the total cost
88 of the operation[, but such fees shall not be fixed in amounts less than the
89 amounts contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this
90 section].

91 3. [Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and
92 subdivisions (4) and (5) of subsection 1,] **On the first day of October 2014,**
93 **and each year thereafter, the director of the department of agriculture**
94 **shall submit a report to the general assembly that states the current**
95 **laboratory fees for metrology calibration, the expenses for**
96 **administering this section for the previous calendar year, any proposed**
97 **change to the laboratory fee structure, and estimated expenses for**
98 **administering this section during the ensuing year. The proposed**
99 **change to the laboratory fee structure shall not yield revenue greater**
100 **than the total cost of administering this section during the ensuing**
101 **year.**

102 4. **Beginning August 28, 2013, and each year thereafter, the**
103 **director of the department of agriculture shall publish the laboratory**
104 **fee schedule on the departmental website. The website shall be**
105 **updated within thirty days of a change in the laboratory fee schedule**
106 **set forth in this section.**

107 5. Retests for any device within the same calendar year will be charged
108 at the same rate as the initial test. Devices being retested in the same calendar
109 year as a result of rejection and repair are exempt from the requirements of this
110 subsection.

111 [4.] 6. All device inspection fees shall be paid within thirty days of the
112 issuance of the original invoice. Any fee not paid within ninety days after the
113 date of the original invoice will be cause for the director to deem the device as
114 incorrect and it may be condemned and taken out of service, and may be seized
115 by the director until all fees are paid.

116 [5.] 7. No fee provided for by this section shall be required of any person
117 owning or operating a moisture-measuring device or instrument who uses such
118 device or instrument solely in agricultural or horticultural operations on such
119 person's own land, and not in performing services, whether with or without
120 compensation, for another person.

✓